

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION

MONICA DANIEL HUTCHISON, )

) Plaintiff, )

vs. ) Case No. 09-3018-CV-S-RED

) TEXAS COUNTY, MISSOURI; MICHAEL)

) R. ANDERSON, TEXAS COUNTY )

) PROSECUTING ATTORNEY; and )

) MICHAEL R. ANDERSON, )

) Individually, )

) June 16, 2010

) Defendants. ) Rolla, Missouri

DEPOSITION OF JEFFREY ROY KINDER

a Witness, produced, sworn and examined on the 16th day of

June, 2010, between the hours of 8 a.m. and 5 p.m. of that

day, at Steelman, Gaunt & Horsefield, 901 Pine Street, City  
of Rolla, County of Phelps, before

JOANN RENEE RICHARDSON, CCR

Certified Court Reporter

20051 State Route B

St. James, Missouri 65559

in the above-entitled cause, pursuant to Notice to Take  
Deposition, on the part of the Defendant Mr. Anderson.

Joann Renee Richardson

\* 573-699-4110 \* St. James, Missouri \*

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EXHIBIT INSTRUCTIONS:

No exhibits marked.

SIGNATURE INSTRUCTIONS:

Signature waived.

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1 MR. VAN RONZELEN: Now that we're on  
2 the record, Warren was good enough to share with me  
3 that we can request the depositions be sealed. And  
4 on behalf of Jeff, we request that this deposition be  
5 sealed, that the protective order and all the  
6 requirements there be filed with respect to this  
7 deposition.

8 MR. GAUNT: We'll join in that.

9 MR. FRANKLIN: I certainly join, as  
10 well.

11 MR. HARRIS: I join. I'll copy you in  
12 it, but we'll take the lead in getting that filed  
13 with the court.

14 MR. VAN RONZELEN: I appreciate that.  
15 Thank you.

16 (Witness Sworn by Certified Court Reporter.)

17  
18 JEFFREY ROY KINDER, Licking, Missouri, testified as  
19 follows:

20 EXAMINATION BY MR. HARRIS:

21 Q. Would you state your full name, please?

22 A. Jeffrey Roy Kinder. It's K-i-n-d-e-r.

23 Q. And where do you reside, Mr. Kinder?

24 A. I live in Licking, Missouri.

25 Q. And you're employed by the Miss

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1 because of her position?

2 MR. FRANKLIN: Objection, lack of  
3 foundation.

4 BY MR. GAUNT:

5 Q. Go ahead.

6 A. What was the question again? I want to  
7 make sure I answer.

8 Q. I asked if Mike Anderson ever indicated to  
9 you that he felt that you and Monica Daniel should  
10 not be romantically involved because of her position  
11 in the prosecutor's office?

12 A. He never indicated anything like that  
13 because he didn't know it.

14 Q. You talked about a time where he rode  
15 around with you in the patrol car; correct?

16 A. That's correct.

17 Q. And it would have been on the Friday or  
18 Saturday night in December of 2005; right?

19 A. That's correct.

20 Q. Is it your understanding that that ride-  
21 around was the same evening that he ended up calling  
22 Monica and going over to her house?

23 A. Yes, sir, later that evening he did.

24 Q. So if that happened on a Saturday  
25 night/Sunday morning, then the ride-around would have

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1 A. That's correct.

2 Q. You don't remember at this time whether or  
3 not you actually saw him drink?

4 A. I never saw him drinking from a bottle. I  
5 saw him drinking from a Coca Cola -- I believe like a  
6 20-ounce Coca Cola plastic bottle, but I never  
7 actually saw him take a drink out of the bottle.

8 Q. You don't know if there was alcohol in  
9 there or not?

10 A. No, sir.

11 Q. And you did not go to a bar with him that  
12 night; is that correct?

13 A. I did not, no, sir.

14 Q. Do you know what bar it was that he wanted  
15 you to go get the tape from?

16 A. It's the -- they call it the Outback. It's  
17 a bar that's inside the city limits there in Licking.

18 Q. And when you dropped him off back at his  
19 office, he was not, in your opinion, intoxicated?

20 A. No, sir, he wasn't.

21 Q. Did Monica ask you to contact Mike and get  
22 her job back for her or help her get her job back?

23 A. No, sir.

24 Q. And you didn't volunteer to Mike that you  
25 would call Monica; is that correct?

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1 been Saturday night?

2 A. It would have been the same evening, yes,  
3 sir.

4 Q. Was that the first time he had ever made  
5 any request like that to go on patrol with you?

6 A. He never actually made a request to go on  
7 patrol with me. I invited him to go for a ride in  
8 the patrol car. We never took any enforcement action  
9 on anything.

10 Q. Is that the only time anything like that  
11 had occurred?

12 A. He had ridden in a patrol before.

13 Q. With you?

14 A. Yes, that's correct.

15 Q. What were the circumstances of that?

16 A. I believe we went to a Lion's Club meeting  
17 or a lunch at the Lion's Club where we gave a  
18 presentation.

19 Q. Okay. So it wasn't really out on a patrol,  
20 he just rode with you in the car to get to where you  
21 both had business?

22 A. Yes.

23 Q. And you indicated that you could smell  
24 alcohol on him and believed he had been drinking;  
25 correct?

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1 A. No, sir, I did not.

2 Q. It's a request he made of you that you  
3 contact her and have her call him?

4 A. That's correct.

5 Q. And he said the reason for that request is  
6 that she would not take his calls?

7 A. That's correct.

8 Q. I want to read you some testimony of Mr.  
9 Anderson and I'm going to ask if this comports with  
10 your understanding of the facts. (Reading): I asked  
11 Jeff Kinder if he had seen her or heard from her. He  
12 said that he had, that she was doing okay.

13 I said, well, do you think she would be  
14 willing to come back and start over? Do you think  
15 she would like to have her job back if we could fix  
16 this thing, if she would come back and abide by the  
17 rules?

18 He said, I'll go talk to her. So I didn't  
19 send him to talk to her. I was asking him about her  
20 and he said, yeah, I'll go talk to her and see if  
21 she's interested in that.

22 Do you recall ever having a conversation  
23 like that with Mr. Anderson?

24 A. No, I did not.

25 Q. Have you read Mike Anderson's lawsuit

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1 against Monica Daniel and Millie Williams?

2 A. What was on the internet, I read part of  
3 it. It was in the Houston Herald.

4 Q. Did you read that around the time that he  
5 filed it?

6 A. Yes, sir, I did.

7 Q. Prior to Mike Anderson's lawsuit in May of  
8 2005, did Monica have a reputation for conspiring  
9 with Millie Williams to use their public offices to  
10 coordinate and orchestrate a swinger-style sex ring  
11 out of the Texas County Prosecuting Attorney's Office  
12 and the Texas County Associate Circuit Court Office?

13 A. Not to my knowledge.

14 Q. And you're not aware of any such activities  
15 taking place, are you?

16 A. No, I'm not aware of any.

17 Q. Prior to Mike Anderson's lawsuit in May of  
18 2005, did Monica Daniel Hutchison have a reputation  
19 for conspiring with Millie Williams to use their  
20 public offices to do favors for friends and others?

21 MR. FRANKLIN: Objection, lack of  
22 foundation. I'm not sure you established --

23 A. Not that I'm aware of.

24 MR. GAUNT: I'm reading the allegation  
25 from the lawsuit.

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1 A. I don't have any knowledge of them doing  
2 that.

3 Q. You're not aware of any such activities?

4 A. I'm not aware of any, no.

5 Q. Did Mike Anderson ever indicate to you that  
6 Monica Daniel was defaming him or saying things about  
7 him that weren't true?

8 A. Not that I can remember.

9 Q. Other than the comment about him acting  
10 stupid at a party, did he ever indicate to you that  
11 he felt Monica was disrespectful or saying bad things  
12 about him?

13 A. Not other than that particular instance.

14 Q. Did he ever indicate to you that Monica had  
15 made "bad comments" about the way Mike had handled a  
16 case or cases?

17 A. No.

18 Q. You never heard her make any such comments,  
19 did you?

20 A. I never heard her, no, sir.

21 Q. Did Mike Anderson ever express  
22 dissatisfaction to you about Monica Daniel's job  
23 performance or conduct?

24 A. No, he never expressed that to me.

25 MR. GAUNT: I have no further

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1 Q. You're not aware of any such activities  
2 taking place, are you?

3 A. I'm not aware of any.

4 Q. She didn't fix tickets for people, to your  
5 knowledge?

6 A. Not to my knowledge.

7 Q. Or that you heard from other officers.  
8 Nobody has told you that she fixed tickets for them?

9 A. Nobody has told me that.

10 Q. And to be clear, she never did any favors  
11 for you as far as canceling subpoenas or anything  
12 like that; is that correct?

13 A. No, she didn't.

14 Q. And you never asked her to get you out of a  
15 subpoena?

16 A. No, sir, I did not.

17 Q. And she never offered to get you out of a  
18 subpoena, did she?

19 A. No, sir.

20 Q. Prior to Mike Anderson's lawsuit in May  
21 2005, did Monica Daniel Hutchison have a reputation  
22 for conspiring with Millie Williams to use their  
23 public offices to remove and cover up the removal of  
24 criminal investigative documents from the Texas  
25 County Prosecuting Attorney's Office?

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1 questions.

2  
3 RE-EXAMINATION BY MR. HARRIS:

4 Q. I've got just a couple. When Monica  
5 contacted you at home and told you that Mike had come  
6 over to her house in the early morning hours, did she  
7 tell you that he had threatened her in any way?

8 A. No. The best of my recollection what she  
9 said was, he tried to get into the house and she  
10 called the police and the police came back and drove  
11 by. He shouted vulgarities outside, and also on her  
12 phone. But I don't know that he ever -- you know, I  
13 just don't recall if he said that or if she said that  
14 about him.

15 Q. Did she tell you why she had called you  
16 that morning?

17 A. She just wanted to let me know. She said  
18 that she had called -- also had called the judge and  
19 Mr. Eidson, who was one of her previous employers,  
20 Judge Ellsworth.

21 Q. I was going to ask you, when you said  
22 "judge," you meant Judge Ellsworth?

23 A. That's correct.

24 Q. Did she seem scared or frightened at all?

25 A. I don't know. I know she was -- she seemed

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